

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for
2 Senate Bill No. 125, Pages 25 to 28, Section 168.221, Lines 1 to 113, by deleting all of said section
3 and lines and inserting in lieu thereof the following:

4 "168.221. 1. The first five years of employment of all teachers entering the employment of
5 the metropolitan school district shall be deemed a period of probation during which period all
6 appointments of teachers shall expire at the end of each school year. During the probationary period
7 any probationary teacher whose work is unsatisfactory shall be furnished by the superintendent of
8 schools with a written statement setting forth the nature of his or her incompetency. If improvement
9 satisfactory to the superintendent is not made within one semester after the receipt of the statement,
10 the probationary teacher shall be dismissed. The semester granted the probationary teacher in which
11 to improve shall not in any case be a means of prolonging the probationary period beyond five years
12 and six months from the date on which the teacher entered the employ of the board of education.
13 The superintendent of schools on or before the fifteenth day of April in each year shall notify
14 probationary teachers who will not be retained by the school district of the termination of their
15 services. Any probationary teacher who is not so notified shall be deemed to have been appointed
16 for the next school year. Any principal who prior to becoming a principal had attained permanent
17 employee status as a teacher shall upon ceasing to be a principal have a right to resume his or her
18 permanent teacher position with the time served as a principal being treated as if such time had been
19 served as a teacher for the purpose of calculating seniority and pay scale. The rights and duties and
20 remuneration of a teacher who was formerly a principal shall be the same as any other teacher with
21 the same level of qualifications and time of service.

22 2. After completion of satisfactory probationary services, appointments of teachers shall
23 become permanent, subject to removal for any one or more causes herein described and to the right
24 of the board to terminate the services of all who attain the age of compulsory retirement fixed by the
25 retirement system. In determining the duration of the probationary period of employment in this
26 section specified, the time of service rendered as a substitute teacher shall not be included.

27 3. No teacher whose appointment has become permanent may be removed except for one or
28 more of the following causes: immorality, incompetency, or inefficiency in line of duty, violation of
29 the published regulations of the school district, violation of the laws of Missouri governing the
30 public schools of the state, or physical or mental condition which incapacitates him for instructing or
31 associating with children, and then only by a vote of not less than a majority of all the members of
32 the board, upon written charges presented by the superintendent of schools, to be heard by the board
33 after thirty days' notice, with copy of the charges served upon the person against whom they are
34 preferred, who shall have the privilege of being present at the hearing, together with counsel,
35 offering evidence and making defense thereto. [Notifications received by an employee during a
36 vacation period shall be considered as received on the first day of the school term following.] At the
37 request of any person so charged the hearing shall be public. During any time in which powers

Action Taken _____ Date _____

1 granted to the district's board of education are vested in a special administrative board, the special
 2 administrative board may appoint a hearing officer to conduct the hearing. The hearing officer shall
 3 conduct the hearing as a contested case under chapter 536 and shall issue a written recommendation
 4 to the board rendering the charges against the teacher. The board shall render a decision on the
 5 charges upon the review of the hearing officer's recommendations and the record from the hearing.
 6 The action and decision of the board upon the charges shall be final. Pending the hearing of the
 7 charges, the person charged may be suspended if the rules of the board so prescribe, but in the event
 8 the board does not by a majority vote of all the members remove the teacher upon charges presented
 9 by the superintendent, the person shall not suffer any loss of salary by reason of the suspension.
 10 Incompetency or inefficiency in line of duty is cause for dismissal only after the teacher has been
 11 notified in writing at least [one semester] thirty days prior to the presentment of charges against him
 12 by the superintendent. The notification shall specify the nature of the incompetency or inefficiency
 13 with such particularity as to enable the teacher to be informed of the nature of his or her
 14 incompetency or inefficiency.

15 4. No teacher whose appointment has become permanent shall be demoted nor shall his or
 16 her salary be reduced unless the same procedure is followed as herein stated for the removal of the
 17 teacher because of inefficiency in line of duty, and any teacher whose salary is reduced or who is
 18 demoted may waive the presentment of charges against him by the superintendent and a hearing
 19 thereon by the board. The foregoing provision shall apply only to permanent teachers prior to the
 20 compulsory retirement age under the retirement system. Nothing herein contained shall in any way
 21 restrict or limit the power of the board of education to make reductions in the number of teachers or
 22 principals, or both, because of insufficient funds, decrease in pupil enrollment, or abolition of
 23 particular subjects or courses of instruction, except that the abolition of particular subjects or courses
 24 of instruction shall not cause those teachers who have been teaching the subjects or giving the
 25 courses of instruction to be placed on leave of absence as herein provided who are qualified to teach
 26 other subjects or courses of instruction, if positions are available for the teachers in the other subjects
 27 or courses of instruction.

28 5. Whenever it is necessary to decrease the number of teachers because of insufficient funds
 29 or a substantial decrease of pupil population within the school district, the board of education upon
 30 recommendation of the superintendent of schools may cause the necessary number of teachers
 31 beginning with those serving probationary periods to be placed on leave of absence without pay, but
 32 only in the inverse order of their appointment. Nothing herein stated shall prevent a readjustment by
 33 the board of education of existing salary schedules. No teacher placed on a leave of absence shall be
 34 precluded from securing other employment during the period of the leave of absence. Each teacher
 35 placed on leave of absence shall be reinstated in inverse order of his or her placement on leave of
 36 absence. Such reemployment shall not result in a loss of status or credit for previous years of
 37 service. [No new appointments shall be made while there are available teachers on leave of absence
 38 who are seventy years of age or less and who are adequately qualified to fill the vacancy unless the
 39 teachers fail to advise the superintendent of schools within thirty days from the date of notification
 40 by the superintendent of schools that positions are available to them that they will return to
 41 employment and will assume the duties of the position to which appointed not later than the
 42 beginning of the school year next following the date of the notice by the superintendent of schools]
 43 No appointment of new teachers shall be made while there are available teachers on unrequested
 44 leave of absence who are properly qualified to fill such vacancies. Such leave of absence shall not
 45 impair the tenure of a teacher. The leave of absence shall continue for a period of not more than
 46 three years unless extended by the board.

47 6. If any regulation which deals with the promotion of teachers is amended by increasing the
 48 qualifications necessary to be met before a teacher is eligible for promotion, the amendment shall fix

1 an effective date which shall allow a reasonable length of time within which teachers may become
2 qualified for promotion under the regulations.

3 7. A teacher whose appointment has become permanent may give up the right to a permanent
4 appointment to participate in the teacher choice compensation package under sections 168.745 to
5 168.750." ; and

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7 Further amend said bill, Pages 29 and 30, Section 168.291, Lines 1 to 15, by deleting all of said
8 section from the bill; and

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10 Further amend said bill by amending the title, enacting clause, and intersectional references
11 accordingly.
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